

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JOSEPH COTTERMAN,

Plaintiff,

Case No. 3:18-cv-177

vs.

SHELBY COUNTY, OHIO, *et al.*,

District Judge Walter H. Rice

Magistrate Judge Michael J. Newman

Defendants.

**ORDER AND ENTRY GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
MOTION TO COMPEL (DOC. 44)**

This civil case is before the Court on Plaintiff's motion to compel. Doc. 44. Defendants filed a memorandum in opposition. Doc. 47. Plaintiff, with leave of Court, filed a reply. Doc. 50. Having carefully considered all of the foregoing, the undersigned **GRANTS IN PART** and **DENIES IN PART** Plaintiff's motion to compel and **ORDERS** as follows:

1. Defendants shall respond, forthwith, to Plaintiff's interrogatories requesting the identification of electronic devices issued or made available to Defendants and other identified individuals between January 1, 2016 and May 31, 2017;
2. Defendants shall respond, forthwith, to Plaintiff's interrogatories requesting that they identify the personal devices the named individual Defendants used between January 1, 2016 and May 31, 2017, with the limitation that the named individual Defendants need only identify those personal devices they actually used for work purposes at any time during this time period (*i.e.*, they need only identify an electronic device if it was actually used for work purposes during the relevant time period);
3. Defendants need not conduct a forensic search of the identified data storage devices and data storage spaces associated therewith, but may certainly do so if they so choose;
4. However, Defendants shall, forthwith, conduct reasonable searches of all the aforementioned identified devices and/or associated data storage spaces and, absent lawful objections to production (*e.g.*, privilege, relevance, etc.), produce materials responsive to Plaintiff's Rule 34 requests; and

5. Defendants shall disclose to Plaintiff the details of how the aforementioned searches for ESI were conducted (*e.g.*, identifying the search terms used, the storage medium searched, etc.).

Counsel are encouraged to work continue working collaboratively with regard to the development of reasonable ESI searches, remaining mindful that the undersigned intends to construe the Federal Rules of Civil Procedure so as “to secure the just, speedy, and inexpensive determination of every action and proceeding.

IT IS SO ORDERED.

Date: June 25, 2019

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge